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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,207	10/23/2003	Ru-rong Wu Hsiao	87165755-002001	2311
7590 09/15/2005 FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER 1300 I Street N. W. Washington, DC 20005-3315			EXAMINER BARRY, CHESTER T	
			ART UNIT 1724	PAPER NUMBER

DATE MAILED: 09/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/693,207

Applicant(s)

WU HSIAO ET AL.

Examiner

Chester T. Barry

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1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 11 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7 is/are allowed.
- 6) ☒ Claim(s) 1-6, 9, 10 and 12-19 is/are rejected.
- 7) ☐ Claim(s) 8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3/3/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

Applicant's election with traverse of the invention of claims 1 – 10, 12 - 19 in the reply filed on 7/15/05 is acknowledged. The election was made with traverse, but no arguments were presented. Accordingly, the election is treated as if made without traverse. The requirement is still deemed proper and is therefore made FINAL.

Claims 1 – 6, 9, 10, 12 - 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear whether the prior pH adjustment step is one that is made by alkalophilic/alkaline-tolerant microbes, or whether the diodegrading step is made by said microbes. Amending claim 1 so that the phrase, "by alkalophilic/alkaline-tolerant microbes" immediately follows the word "wastewater," and so that "of said wastewater" follows the word "adjustment," would overcome this rejection.

Per claim 9, there is no antecedent basis for "the coagulated water glass."

Per claim 10, there is no antecedent basis for "the biotreated water."

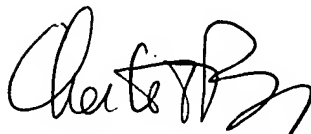
Per claim 16, the claims ends with "; and" rather than with a period (".")

Claim 7 is allowed. USP 6846483 describes isolating alkalophilic bacteria from sewage having slight alkaline pH (7.5-8.0) by following a standard method: Alkaline Bacillus broth medium was used for the isolation of alkalophilic bacteria. Several alkalophilic colonies were isolated and streaked on separate agar plates. The isolates were grown in broth medium of different pH values ranging between 8.0 to 11.0 for 24 hrs. at 37.degree. C. The isolated pure cultures were used for further study. Water

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glass wastewater compositions are not described. Culturing the same on such water  
glass wastewater is not suggested.

Objection is made to claim 8 for want of a period at the end of the claim.



**CHESTERT. BARRY**  
**PRIMARY EXAMINER**